

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Disney Court,
125' E of Ritterslea Court * DEPUTY ZONING COMMISSIONER
(130 - 145, & 148 Disney Court); and
S/S Pleasant Hill Road, and NW/S * OF BALTIMORE COUNTY
Belltown Road, E of Meadowlea Road
(302, 306, 314, 318, 320, & 324 * Case Nos. 96-368-SPHA and
Belltown Road, and 205, 206, 210, 211, 96-369-SPHA
212, 213, 215, 228, 230, 231, *
233, 239 Ritterslea Court) *
Hewitt Farms Associates and Hewitt Farms Associates II
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for the above-captioned properties, all located in the community known as Hewitt Farms. The lots in question are located within the subdivisions known as Pleasant Fields and Hewitt Farms, which are situated on the south side of Pleasant Hill Road, east of Meadowlea Road and north of Ritters Lane in Owings Mills. The Petitions were filed by the owners of the property, Hewitt Farms Associates and Hewitt Farms Associates II, by Lowrie B. Sargent, General Partner, through their attorney, Stephen J. Nolan, Esquire. Respectively, the Petitioners seek approval of amendments to the Final Development Plans for both Pleasant Fields and Hewitt Farms to reflect certain variance relief requested within the Petitions for Variance. Specifically, the Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance of 20 feet between windows in lieu of the required 40 feet; to permit a distance of 5 feet from a window to a property line in lieu of the required 15 feet; and 3) to permit a distance of 20 feet between facing elevations over 20 feet high in lieu of the required graduated distances based on building height. The respective properties are more particularly described in the

ORDER RECEIVED FOR FILING

Date

By

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site plans submitted in each case which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearings on behalf of the Petitions were Lowrie B. Sargent, a General Partner in both Hewitt Farms Associates and Hewitt Farms Associates II; Stephen J. Nolan, Esquire, attorney for the Petitioners, and David Billingsley, Professional Engineer with Central Drafting and Design, Inc., who prepared the site plans for both projects. Also appearing in support of the Petitions were Stephen J. Beinstein, President of the Owings Meadows Homeowners Association, and John R. White and Angela M. Monaghan, representatives of Patriot Homes, Builder. There were no Protestants present.

Testimony and evidence offered revealed that the two developments which are the subject of these Petitions are located adjacent to one another off of Pleasant Hill Road in Owings Mills. The Petitioners are in the process of building out the two subdivisions in question; however, while several homes are under construction, many of the lots have not yet sold. Testimony indicated that due to the number of residential communities now being developed in this particular area of Owings Mills, the Petitioners deem it necessary to modify the design of the remaining homes to be built in order to remain competitive with other subdivisions in the area. Mr. Sargent testified that the Petitioners wish to have the flexibility to design different types of houses and to position them differently on the lots so as to attract potential buyers. The Petitioners believe that this added flexibility will allow them to be competitive and more attractive to potential buyers and permit the builder to develop the remaining lots in these subdivisions.

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Date

By

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On behalf of the Petitioners, Mr. Stephen J. Beinstein, President of the Owings Meadows Homeowners' Association, submitted a letter of support from his organization asking that the special hearing and variance relief be granted. The Homeowners' Association represents the residents who currently reside in these subdivisions. These residents believe that if this flexibility is extended to the Petitioners, the remaining lots will be developed and the value of the existing homes in these communities will be maintained. Mr. Beinstein's letter demonstrated that construction in both communities has been ongoing since 1991 and the residents are looking forward to completion of this project.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been

established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of May, 1996 that the Petitions for Special Hearing in Cases 96-368-SPHA and 96-369-SPHA to approve amendments to the respective Final Development Plans for Pleasant Fields and Hewitt Farms to reflect certain variance relief as requested, in accordance with Petitioner's Exhibits 1, be and are hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitions for Variance in Cases 96-368-SPHA and 96-369-SPHA seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance of 20 feet between windows in lieu of the required 40 feet; to permit a distance of 5 feet from a window to a property line in lieu of the required 15 feet; and 3) to permit a distance of 20 feet between facing elevations over 20 feet high in lieu of the required graduated distances based on building height for Nos. 2 thru 10 Nearock Court, and No. 130 thru 145, 147 and 148 Disney Court in the Pleasant Fields subdivision, and for Nos. 302, 306, 314 318, 320, and 324 Belltown Road, 205, 206, 210, 211, 212, 213, 215, 228, 230, 231, 233, and 239 Ritterslea Court in the Hewitt Farms subdivision,

ORDER RECEIVED FOR FILING

Date

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

#2 thru #10 Nearock Court

#130 thru 145, 147, & 148 Disney Ct.

96-368-SPHA

which is presently zoned

DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the Final Development Plan for Pleasant Fields reflecting approval of variances.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner.

Stephen J. Nolan

(Type or Print Name)

Signature

210 W. Pennsylvania Ave. 823-7800

Address

Phone No.

Towson Md. 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Hewitt Farms Associates II

Lowrie B. Sargent, Gen. Partner

(Type or Print Name)

Signature

(Type or Print Name)

Signature

13243 Westmeath Lane (301) 854-0938

Address

Phone No.

Clarksville Md. 21029

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Central Drafting & Design, Inc.

David Billingsley

Name 601 Charwood Court

Edgewood Md. 21040 679-8719

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: R.T. DATE 3-26-96

ITEM# 363



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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

#2 thru #10 Nearock Court
#130 thru 145, 147, & 148 Disney Ct.

96-368-SPHA

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHMENT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED BRIEF

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Stephen J. Nolan

(Type or Print Name)

Signature

210 W. Pennsylvania Ave. 823-7800

Address Phone No.

Towson Md. 21204

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Hewitt Farms Associates II

Lowrie B. Sargent, Gen. Partner

(Type or Print Name)

Signature

(Type or Print Name)

Signature

13243 Westmeath Lane (301) 854-0938

Address

Phone No.

Clarksville, Md. 21029

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Central Drafting & Design, Inc.

David Billingsley

Name

601 Charwood Court

Edgewood, Md. 21040 679-8719

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: R.I. DATE 3-26-96

ITEM # 363



Printed with Soybean Ink
on Recycled Paper

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REQUESTED VARIANCES

96-368-SPHA

A variance from Section 1B02.3.B (BCZR) to permit:

- (1) A distance of 20 feet between windows instead of the required 40 feet Section V.B.6.c (CMDP)
- (2) A distance of 5 feet from a window to a property line instead of the required 15 feet Section V.B.6.b (CMDP)
- (3) A distance of 20 feet between facing elevations over 20 feet high instead of the required graduated distances based on building height Section V.B.3 (CMDP)

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ITEM# 369

BRIEF TO ACCOMPANY APPLICATION FOR VARIANCES
HEWITT FARMS AND
PLEASANT FIELDS

The Hewitt Farms and Pleasant Fields subdivisions, zoned D.R. 3.5, were reviewed and approved under the C.R.G. development process and subject to the zoning regulations in effect at the time. These regulations imposed certain setbacks relative to window to window, window to property line and distances between facing elevations based on the height of the buildings.

Between December, 1991 and February, 1994, Ryland Homes purchased 61 lots ranging in prices from \$ 66,000 in 1991 to \$ 77,550 in 1994 with an average sales pace of 2.3 lots per month. Ryland Homes left the subdivision in 1994 because of a continuing decline in sales activity. Since February, 1994, a total of 15 lots have been sold with an average sales pace of 0.6 lots per month. Additionally, the lot prices are now about \$ 60,000 or \$ 17,550 less than the prices in 1994. Two of the four builders actively marketing the lots since 1994 have gone bankrupt and a third has left the project.

This drastic reduction in both sales pace and sales price can in large part attributed to the setback restrictions mentioned above. Potential customers that are interested in the Owings Mills area are able to purchase comparably sized lots in subdivisions approved under the current development and zoning regulations which offer a wider variety of housing designs. The current regulations will permit a larger house and will permit a wider use of windows. The change in regulations places our projects at a significant disadvantage to those projects approved under the current regulations.

Hewitt Farms Associates and Hewitt Farms Associates II has and is suffering undue hardship because of the following:

- (1) We are not able to secure a "reasonable return" on our property as evidenced by the significantly decrease in sales pace and sales price.
- (2) The difficulties we endure are particularly peculiar to our property when compared to newer projects with the same zoning.
- (3) This hardship is not a result of our actions but rather a result of the County's action in changing the regulations.

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ITEM #363

Hewitt Farms Associates and Hewitt Farms Associates II are also faced with practical difficulty because:

- (1) Strict compliance would be unreasonably burdensome because of our competitive disadvantage to newer projects approved under current regulations.
- (2) The grant of this variance would be a benifit for the existing residents in this community because an increase in sales pace will allow the projects to be completed, thus allowing the citizens to peacefully enjoy the community without the burden of construction noise, dust debris, traffic and promotional signage.
- (3) The grant of this variance would have no detrimental effect on public safety and welfare and would in fact improve the safety and welfare because of the issues cited in (2) above.

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ITEM# 363

Post by: 4/17/96
CASE NUMBER: 96-368-SPH(A Item 363)

#2 thru #10 Nearock Court
#130 thru #145 and #148 Disney Court
N/S Disney Court, 125' E of c/l Ritterslea Court
4th Election District - 3rd Councilmanic
Legal Owner: Hewitt Farms Associates, II

Special Hearing to approve amendment to the Final Development Plan for Pleasant Fields.

Variance to permit a distance of 20 feet between windows instead of the required 40 feet; to permit a distance of 5 feet from a window to a property line instead of the required 15 feet; and to permit a distance of 20 feet between facing elevations over 20 feet high instead of the required graduated distances based on building height.

HEARING: THURSDAY, MAY 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Post by 4/17/96
[Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/11, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/11, 1996.

THE JEFFERSONIAN,

A. H. HARRIS

LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #96-368-SPH (Item 363)
#2 thru #10, Nearock Court
#130 thru #145 and #148
Disney Court
NS Disney Court, 125 E of Rittaslea Court
4th Election District
3rd Councilmanic
Legal Owner(s)
Hewitt Farms Associates, II

Special Hearing: to approve amendment to the Final Development Plan for Pleasant Fields Variance; to permit a distance of 20 feet between windows instead of the required 40 feet; to permit a distance of 5 feet from window to property line instead of the required 15 feet; and to permit a distance of 20 feet between facing elevations over 20 feet high instead of the required graduated distances based on building height.
Hearing, Thursday, May 2, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 867-3353.
(2) For information concerning the file and/or Hearing, Please Call 867-3391.

4/13/96 11 043979

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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 016944

ITEM# 363

DATE 3-26-96 ACCOUNT R-001-6150
070 - VAR. \$ 650 96-368-SPHA
080 - SIGN \$ 35 AMOUNT \$ 685.00

RECEIVED FROM: HEWITT FARM ASSOC. & CENTRAL
DRAFTING & DESIGN, INC.

FOR: VAR. & TO AMEND FID.P. (PLEASANT
FIELD)

Reg. T.

01A00H0130MICRC
BA C009121A03-26-96

\$685.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 016955

ITEM 363

DATE 3-27-96 ACCOUNT R-001-6150
96-368-SPHA
080 - SIGN \$ 35 AMOUNT \$ 35.00

RECEIVED FROM: HEWITT FARM ASSOC.

FOR: VAR. & TO AMEND FID.P. (PLEASANT
FIELD)

Reg. T.

01A00H0112MICRC
BA C009123A03-28-96

\$35.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 363 Petitioner: HEWITT FARMS ASSOCIATES II

Location: PLEASANT FIELDS

PLEASE FORWARD ADVERTISING BILL TO:

NAME: HEWITT FARMS ASSOCIATES II

ADDRESS: 13243 WESTMEATH LANE
CLARKSVILLE, MD. 21029

PHONE NUMBER: (301) 854-0938

MICROFILMED



TO: PUTUXENT PUBLISHING COMPANY
April 11, 1996 Issue - Jeffersonian

Please forward billing to:

Hewitt Farms Associates, II
13243 Westmeath Lane
Clarksville, MD 21029
(301) 854-0938

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-368-SPH(A Item 363)
#2 thru #10 Nearock Court
#130 thru #145 and #148 Disney Court
N/S Disney Court, 125' E of c/l Ritterslea Court
4th Election District - 3rd Councilmanic
Legal Owner: Hewitt Farms Associates, II

Special Hearing to approve amendment to the Final Development Plan for Pleasant Fields.
Variance to permit a distance of 20 feet between windows instead of the required 40 feet; to permit a distance of 5 feet from a window to a property line instead of the required 15 feet; and to permit a distance of 20 feet between facing elevations over 20 feet high instead of the required graduated distances based on building height.

HEARING: THURSDAY, MAY 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 8, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-368-SPH(A Item 363)
#2 thru #10 Nearock Court
#130 thru #145 and #148 Disney Court
N/S Disney Court, 125' E of c/l Ritterslea Court
4th Election District - 3rd Councilmanic
Legal Owner: Hewitt Farms Associates, II

Special Hearing to approve amendment to the Final Development Plan for Pleasant Fields.
Variance to permit a distance of 20 feet between windows instead of the required 40 feet; to permit a distance of 5 feet from a window to a property line instead of the required 15 feet; and to permit a distance of 20 feet between facing elevations over 20 feet high instead of the required graduated distances based on building height.

HEARING: THURSDAY, MAY 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Hewitt Farms Associates, II
Central Drafting & Design, Inc.
Stepehn N. Nolan, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 25, 1996

Stephen J. Nolan, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 363
Case No.: 96-368-SPHA
Petitioner: Hewitt Farms Assoc. II

Dear Mr. Nolan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: April 22, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: Hewitt Farms and Pleasant Fields

INFORMATION:

Item Number:

363 and 364

Petitioner:

Hewitt Farms Associates

Zoning:

DR-3.5

Requested Action:

Variance and Special Hearing

Hearing Date:

 / /

SUMMARY OF RECOMMENDATIONS:

Staff does not oppose the applicant's request provided that all current setbacks and residential standards of the CMDP are met.

Prepared by:

Jeffrey M. Long

Division Chief:

Carol L. Keller

PK/JL


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B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: April 15, 1996

FROM:  Robert W. Bowling, Chief
 Development Plans Review Division
 Department of Permits & Development
 Management

SUBJECT: Zoning Advisory Committee Meeting
 For April 15, 1996
 Item No. 363

The Development Plans Review Division has reviewed the subject zoning item. A 20-foot drainage and utility easement is located between #9 and #10 Nearock Court and #138 and #140 Disney Court. The variance to permit a distance of 5 feet from a window to a property line would encroach onto these 20-foot drainage and utility easements. We cannot recommend approval of these four lot variances.

RWB:HJO:jrb

cc: File

ZONE6A



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 4-17-96

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4-8-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

362

363

364

369

370

371

372

374

375

LS:sp

LETTY2/DEPRM/TXTSBP

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**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

4-12-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 363 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/09/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: HEWITT FARMS ASSOCIATES //

Location: BEGINNING POINT N/S DISNEY CT. 125' E CENTERLINE RITTERSLEA CT.
(2 THRU 10 NEAROCK CT., 130 THRU 145 & 148 DISNEY CT.)

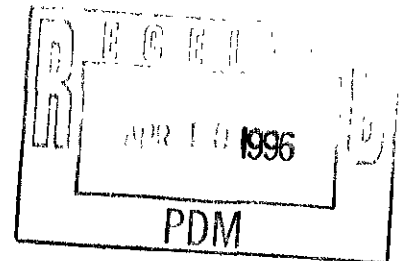
Item No.: 363

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

Microfilm

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
#2 thru #10 Nearock Court / #130 thru	*	ZONING COMMISSIONER
#145 and #148 Disney Court, N/S Disney	*	
Ct., 125' E of c/l Ritterslea Court	*	OF BALTIMORE COUNTY
4th Election District, 3rd Councilmanic	*	
	*	CASE NO. 96-368-SPHA
Hewitt Farms Associates, II		
Petitioner	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

2 + two 10 Meacock Ct
130 + two 145, 147 + 148
Diener Ct

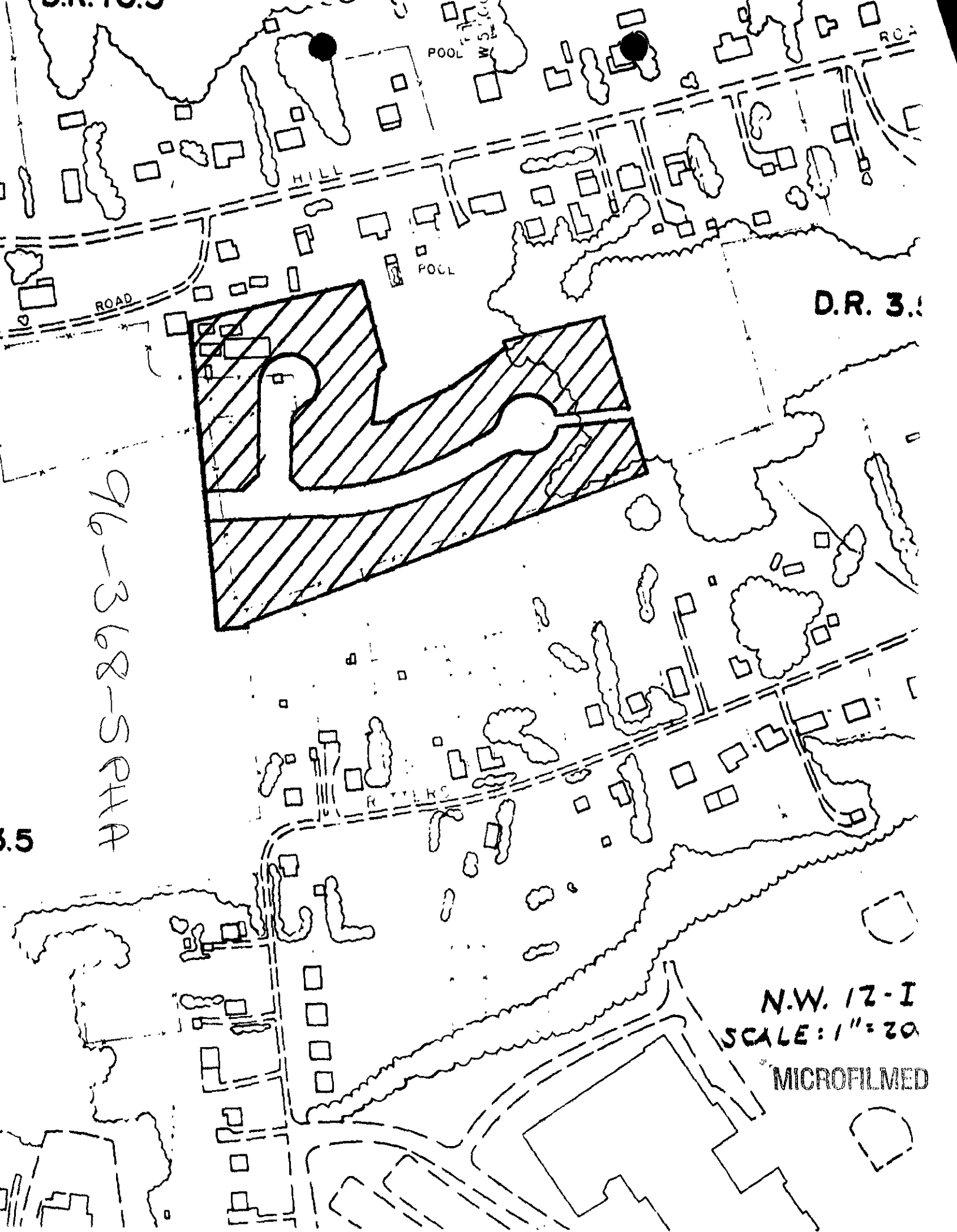
363

Request concurrence hearing schedule
for item # 363 & 364. / over.
Reason (Two separate property &
me over)

3/24

~~NEEDS \$ 10.00 for Two Signs (SP#)~~ Paid
3/27/92

MICROFILMED



D.R. 3.

96-368-5 P4A

N.W. 12-I
SCALE: 1" = 20'
MICROFILMED

Owings Meadows Homeowners Association
P. O. Box 242
Owings Mills, Maryland
21117

February 28, 1996

Zoning Commissioner of Baltimore County
Baltimore County Courthouse
400 Washington Avenue
Towson, Maryland
21204

re: Hewitt Farms Associates
Variance and Special Hearing Request
Case No.

Dear Mr. Commissioner:

Owings Meadows Homeowners Association consists of all the property owners in the Hewitt Farms subdivision. The lot owners in the Pleasant Fields subdivision will also become members of the Owings Meadows Homeowners Association once those houses are built and occupied.

Our Association has met with the petitioner to review the request for variances to reduce the distances required between windows and property lines, between facing windows and the dwelling to dwelling separation relative to the height of the dwelling.

We believe that the granting of the petitioner's requests by your office should make the lots more desirable to new residents and therefore more desirable to the builders, thereby allowing the completion of the project and an end to the construction which has been ongoing since 1991. Completion of the subdivision should assist in maintaining our property values.

Based on the above, the Owings Meadows Homeowners Association supports the petitioner's request for variance.

Very truly yours,



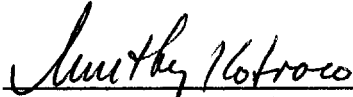
Owings Meadows Homeowners Association

RECEIVED
FEB 28 1996
2

MICROFILMED

in accordance with the respective Petitioners' Exhibits 1, be and are hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Notwithstanding the variance relief granted, the Petitioners and/or Builder shall not in any manner interfere with any of the 20-foot drainage and utility easements located within either subdivision.
- 3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Stephen J. Nolan, Esquire
Nolan, Plumhoff & Williams
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Disney Ct., 125' E of Ritterslea Ct. (130-145, & 148 Disney Ct.);
S/S Pleasant Hill Rd., and NW/S Belltown Rd., E of Meadowlea Rd.
(302, 306, 314, 318, 320, & 324 Belltown Rd., and 205, 206, 210,
211, 212, 213, 215, 228, 230, 231, 233, 239 Ritterslea Ct.)
Hewitt Farms Associates and Hewitt Farms Associates II - Petitioners
Case Nos. 96-368-SPHA and 96-369-SPHA

Dear Mr. Nolan:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Lowrie B. Sargent, General Partner, Hewitt Farms Assoc. and
Hewitt Farms Assoc. II, 13243 Westmeath Lane, Clarksville, Md. 21029

Mr. David Billingsley, Central Drafting & Design, Inc.
601 Charwood Court, Edgewood, Md. 21040

People's Counsel

File

MICROFILMED

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Disney Court,
125' E of Ritterslea Court * DEPUTY ZONING COMMISSIONER
(130 - 145, 6 148 Disney Court); and
S/S Pleasant Hill Road, and NW/4 * OF BALTIMORE COUNTY
Belltown Road, E of Meadowlea Road
(302, 306, 314, 318, 320, 6 324 * Case Nos. 96-368-SPHA and
Belltown Road, and 205, 206, 210, 211, 96-369-SPHA
212, 213, 215, 228, 230, 231, *
233, 239 Ritterslea Court)
Hewitt Farms Associates and Hewitt Farms Associates II
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for the above-captioned properties, all located in the community known as Hewitt Farms. The lots in question are located within the subdivisions known as Pleasant Fields and Hewitt Farms, which are situated on the south side of Pleasant Hill Road, east of Meadowlea Road and north of Ritters Lane in Owings Mills. The Petitions were filed by the owners of the property, Hewitt Farms Associates and Hewitt Farms Associates II, by Lowrie B. Sargent, General Partner, through their attorney, Stephen J. Nolan, Esquire. Respectively, the Petitioners seek approval of amendments to the Final Development Plans for both Pleasant Fields and Hewitt Farms to reflect certain variance relief requested within the Petitions for Variance. Specifically, the Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance of 20 feet between windows in lieu of the required 40 feet; to permit a distance of 5 feet from a window to a property line in lieu of the required 15 feet; and 3) to permit a distance of 20 feet between facing elevations over 20 feet high in lieu of the required graduated distances based on building height. The respective properties are more particularly described in the

site plans submitted in each case which were accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearings on behalf of the Petitions were Lowrie B. Sargent, a General Partner in both Hewitt Farms Associates and Hewitt Farms Associates II; Stephen J. Nolan, Esquire, attorney for the Petitioners, and David Billingsley, Professional Engineer with Central Drafting and Design, Inc., who prepared the site plans for both projects. Also appearing in support of the Petitions were Stephen J. Beinstein, President of the Owings Meadows Homeowners Association, and John R. White and Angela M. Monaghan, representatives of Patriot Homes, Builder. There were no Protestants present.

Testimony and evidence offered revealed that the two developments which are the subject of these Petitions are located adjacent to one another off of Pleasant Hill Road in Owings Mills. The Petitioners are in the process of building out the two subdivisions in question; however, while several homes are under construction, many of the lots have not yet sold. Testimony indicated that due to the number of residential communities now being developed in this particular area of Owings Mills, the Petitioners deem it necessary to modify the design of the remaining homes to be built in order to remain competitive with other subdivisions in the area. Mr. Sargent testified that the Petitioners wish to have the flexibility to design different types of houses and to position them differently on the lots so as to attract potential buyers. The Petitioners believe that this added flexibility will allow them to be competitive and more attractive to potential buyers and permit the builder to develop the remaining lots in these subdivisions.

- 2 -

On behalf of the Petitioners, Mr. Stephen J. Beinstein, President of the Owings Meadows Homeowners' Association, submitted a letter of support from his organization asking that the special hearing and variance relief be granted. The Homeowners' Association represents the residents who currently reside in these subdivisions. These residents believe that if this flexibility is extended to the Petitioners, the remaining lots will be developed and the value of the existing homes in these communities will be maintained. Mr. Beinstein's letter demonstrated that construction in both communities has been ongoing since 1991 and the residents are looking forward to completion of this project.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been

established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of May, 1996 that the Petitions for Special Hearing in Cases 96-368-SPHA and 96-369-SPHA to approve amendments to the respective Final Development Plans for Pleasant Fields and Hewitt Farms to reflect certain variance relief as requested, in accordance with Petitioner's Exhibits 1, be and are hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitions for Variance in Cases 96-368-SPHA and 96-369-SPHA seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance of 20 feet between windows in lieu of the required 40 feet; to permit a distance of 5 feet from a window to a property line in lieu of the required 15 feet; and 3) to permit a distance of 20 feet between facing elevations over 20 feet high in lieu of the required graduated distances based on building height for Nos. 2 thru 10 Nearock Court, and No. 130 thru 145, 147 and 148 Disney Court in the Pleasant Fields subdivision, and for Nos. 302, 306, 314, 318, 320, and 324 Belltown Road, 205, 206, 210, 211, 212, 213, 215, 228, 230, 231, 233, and 239 Ritterslea Court in the Hewitt Farms subdivision,

- 4 -

in accordance with the respective Petitioners' Exhibits 1, be and are hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Notwithstanding the variance relief granted, the Petitioners and/or builder shall not in any manner interfere with any of the 20-foot drainage and utility easements located within either subdivision.
- 3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Stephen J. Nolan, Esquire
Nolan, Plumhoff & Williams
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Disney Ct., 125' E of Ritterslea Ct. (130-145, & 148 Disney Ct.);
S/S Pleasant Hill Rd., and NW/4 Belltown Rd., E of Meadowlea Rd.
(302, 306, 314, 318, 320, & 324 Belltown Rd., and 205, 206, 210,
211, 212, 213, 215, 228, 230, 231, 233, 239 Ritterslea Ct.)
Hewitt Farms Associates and Hewitt Farms Associates II - Petitioners
Case Nos. 96-368-SPHA and 96-369-SPHA

Dear Mr. Nolan:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Lowrie B. Sargent, General Partner, Hewitt Farms Assoc. and
Hewitt Farms Assoc. II, 13243 Westmeath Lane, Clarksville, Md. 21029

Mr. David Billingsley, Central Drafting & Design, Inc.
601 Charwood Court, Edgewood, Md. 21040

People's Counsel

file

- 5 -



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at #2 thru #10 Nearock Court
#130 thru 145, 147, & 148 Disney Ct.
which is presently zoned RA 3.5

96-368-SPHA

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the Final Development Plan for Pleasant Fields reflecting approval of variances.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Who do I solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:

Hewitt Farms Associates II
Lowrie B. Sargent, Gen. Partner

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City

State

Zipcode

Signature

Address

City

State

Zipcode

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date: _____

ALL OTHER: _____

REVIEWED BY: R.T. DATE: 3-26-96

ITEM # 363



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at #2 thru #10 Nearock Court
#130 thru 145, 147, & 148 Disney Ct.
which is presently zoned RA 3.5

96-368-SPHA

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED BRIEF

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date: _____

ALL OTHER: _____

REVIEWED BY: R.T. DATE: 3-26-96

ITEM # 363

ORDER RECEIVED FOR FILING
Date 3/26/96
By [Signature]

REQUESTED VARIANCES

A variance from Section 1B02.3.B (BCZR) to permit:

- (1) A distance of 20 feet between windows instead of the required 40 feet Section V.B.6.c (CHDP)
- (2) A distance of 5 feet from a window to a property line instead of the required 15 feet Section V.B.6.b (CHDP)
- (3) A distance of 20 feet between facing elevations over 20 feet high instead of the required graduated distances based on building height Section V.B.3 (CHDP)

ITEM # 363

BRIEF TO ACCOMPANY APPLICATION FOR VARIANCES
HEWITT FARMS AND
PLEASANT FIELDS

The Hewitt Farms and Pleasant Fields subdivisions, zoned D.R. 3.5, were reviewed and approved under the C.R.G. development process and subject to the zoning regulations in effect at the time. These regulations imposed certain setbacks relative to window to window, window to property line and distances between facing elevations based on the height of the buildings.

Between December, 1991 and February, 1994, Ryland Homes purchased 61 lots ranging in prices from \$ 66,000 in 1991 to \$ 77,550 in 1994 with an average sales pace of 2.3 lots per month. Ryland Homes left the subdivision in 1994 because of a continuing decline in sales activity. Since February, 1994, a total of 15 lots have been sold with an average sales pace of 0.6 lots per month. Additionally, the lot prices are now about \$ 60,000 or \$ 17,550 less than the prices in 1994. Two of the four builders actively marketing the lots since 1994 have gone bankrupt and a third has left the project.

This drastic reduction in both sales pace and sales price can in large part be attributed to the setback restrictions mentioned above. Potential customers that are interested in the Owings Mills area are able to purchase comparably sized lots in subdivisions approved under the current development and zoning regulations which offer a wider variety of housing designs. The current regulations will permit a larger house and will permit a wider use of windows. The change in regulations places our projects at a significant disadvantage to those projects approved under the current regulations.

Hewitt Farms Associates and Hewitt Farms Associates II has and is suffering undue hardship because of the following:

- (1) We are not able to secure a "reasonable return" on our property as evidenced by the significantly decrease in sales pace and sales price.
- (2) The difficulties we endure are particularly peculiar to our property when compared to newer projects with the same zoning.
- (3) This hardship is not a result of our actions but rather a result of the County's action in changing the regulations.

ITEM # 363

PAGE TWO

Hewitt Farms Associates and Hewitt Farms Associates II are also faced with practical difficulty because:

- (1) Strict compliance would be unreasonably burdensome because of our competitive disadvantage to newer projects approved under current regulations.
- (2) The grant of this variance would be a benefit for the existing residents in this community because an increase in sales pace will allow the projects to be completed, thus allowing the citizens to peacefully enjoy the community without the burden of construction noise, dust, debris, traffic and promotional signage.
- (3) The grant of this variance would have no detrimental effect on public safety and welfare and would in fact improve the safety and welfare because of the issues cited in (2) above.

ITEM # 363

Post by: 4/17/96
CASE NUMBER: 96-368-SPH(A Item 363)
#2 thru #10 Nearock Court
#130 thru #145 and #148 Disney Court
N/S Disney Court, 125' E of c/l Ritterslee Court
4th Election District - 3rd Councilmanic
Legal Owner: Hewitt Farms Associates, II

Special Hearing to approve amendment to the Final Development Plan for Pleasant Fields.
Variance to permit a distance of 20 feet between windows instead of the required 40 feet; to permit a distance of 5 feet from a window to a property line instead of the required 15 feet; and to permit a distance of 20 feet between facing elevations over 20 feet high instead of the required graduated distances based on building height.

HEARING: THURSDAY, MAY 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/11, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/11, 1996.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:00 a.m. on Thursday, May 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-368-SPH
#2 thru #10 Nearock Court
#130 thru #145 and #148 Disney Court
N/S Disney Court, 125' E of c/l Ritterslee Court
4th Election District - 3rd Councilmanic
Legal Owner: Hewitt Farms Associates, II

Special Hearing to approve amendment to the Final Development Plan for Pleasant Fields.
Variance to permit a distance of 20 feet between windows instead of the required 40 feet; to permit a distance of 5 feet from a window to a property line instead of the required 15 feet; and to permit a distance of 20 feet between facing elevations over 20 feet high instead of the required graduated distances based on building height.
HEARING: THURSDAY, MAY 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

4/17/96 11 0257

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 4-11-96 ACCOUNT: 96-368-SPH(A)
96-368-SPH(A) 96-368-SPH(A)
AMOUNT: \$ 35.00
RECEIVED FROM: HEWITT FARMS ASSOCIATES, II
FOR: VAR. & TO AMEND FIDP (Pleasant Fields)
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 363 Petitioner: HEWITT FARMS ASSOCIATES II

Location: PLEASANT FIELDS

PLEASE FORWARD ADVERTISING BILL TO:

NAME: HEWITT FARMS ASSOCIATES II

ADDRESS: 13243 WESTMEATH LANE

CLARKSVILLE, MD. 21029

PHONE NUMBER: (301) 854-0938

TO: PUTNEY PUBLISHING COMPANY
April 11, 1996 Issue - Jeffersonian

Please forward billing to:

Hewitt Farms Associates, II
13243 Westmeath Lane
Clarksville, MD 21029
(301) 854-0938

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:00 a.m. on Thursday, May 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-368-SPH(A Item 363)
#2 thru #10 Nearock Court
#130 thru #145 and #148 Disney Court
N/S Disney Court, 125' E of c/l Ritterslee Court
4th Election District - 3rd Councilmanic
Legal Owner: Hewitt Farms Associates, II

Special Hearing to approve amendment to the Final Development Plan for Pleasant Fields.
Variance to permit a distance of 20 feet between windows instead of the required 40 feet; to permit a distance of 5 feet from a window to a property line instead of the required 15 feet; and to permit a distance of 20 feet between facing elevations over 20 feet high instead of the required graduated distances based on building height.

HEARING: THURSDAY, MAY 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 8, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:00 a.m. on Thursday, May 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-368-SPH(A Item 363)
#2 thru #10 Nearock Court
#130 thru #145 and #148 Disney Court
N/S Disney Court, 125' E of c/l Ritterslee Court
4th Election District - 3rd Councilmanic
Legal Owner: Hewitt Farms Associates, II

Special Hearing to approve amendment to the Final Development Plan for Pleasant Fields.
Variance to permit a distance of 20 feet between windows instead of the required 40 feet; to permit a distance of 5 feet from a window to a property line instead of the required 15 feet; and to permit a distance of 20 feet between facing elevations over 20 feet high instead of the required graduated distances based on building height.

HEARING: THURSDAY, MAY 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Hewitt Farms Associates, II
Central Drafting & Design, Inc.
Stephen N. Nolan, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 4-11-96 ACCOUNT: 96-368-SPH(A)
96-368-SPH(A) 96-368-SPH(A)
AMOUNT: \$ 35.00
RECEIVED FROM: HEWITT FARMS ASSOCIATES, II
FOR: VAR. & TO AMEND FIDP (Pleasant Fields)
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 25, 1996

Stephen J. Nolan, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 363
Case No.: 96-368-SPHA
Petitioner: Hewitt Farms Assoc. II

Dear Mr. Nolan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCS/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: April 22, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: Hewitt Farms and Pleasant Fields

INFORMATION:

Item Number: 363 and 364

Petitioner: Hewitt Farms Associates

Zoning: DR-3.5

Requested Action: Variance and Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Staff does not oppose the applicant's request provided that all current setbacks and residential standards of the CMND are met.

Prepared by: *Jeffrey M. Lenz*

Division Chief: *Carol L. Lenz*

PK/JL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 15, 1996
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
For April 15, 1996
Item No. 363

The Development Plans Review Division has reviewed the subject zoning item. A 20-foot drainage and utility easement is located between #9 and #10 Nearock Court and #138 and #140 Disney Court. The variance to permit a distance of 5 feet from a window to a property line would encroach onto these 20-foot drainage and utility easements. We cannot recommend approval of these four lot variances.

RWB:HJO:jrb

cc: File

ZONE6A

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 4-17-96

FROM: DEPRM
Development Coordination

SUSJECT: Zoning Advisory Committee
Agenda: 4-8-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s:

362
363
364
369
370
371
372
374
375

LS:sp

LETTY2/DEPRM/TXTSPB



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

RE: Baltimore County
Item No. 363 (RT)

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Baltimore County Government
Fire Department



700 East Jones Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/09/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: HEWITT FARMS ASSOCIATES II

Location: BEGINNING POINT N/S DISNEY CT. 125' E CENTERLINE RITTERSLEA CT.
(2 THRU 10 NEAROCK CT., 130 THRU 145 & 148 DISNEY CT.)

Item No.: 363

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soy-based Ink
on Recycled Paper

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
#2 thru #10 Nearock Court / #130 thru *
#145 and #148 Disney Court, N/S Disney *
Ct., 125' E of c/l Ritterslea Court * OF BALTIMORE COUNTY
4th Election District, 3rd Councilmanic * CASE NO. 96-368-SPHA
Hewitt Farms Associates, II *
Petitioner *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioner.

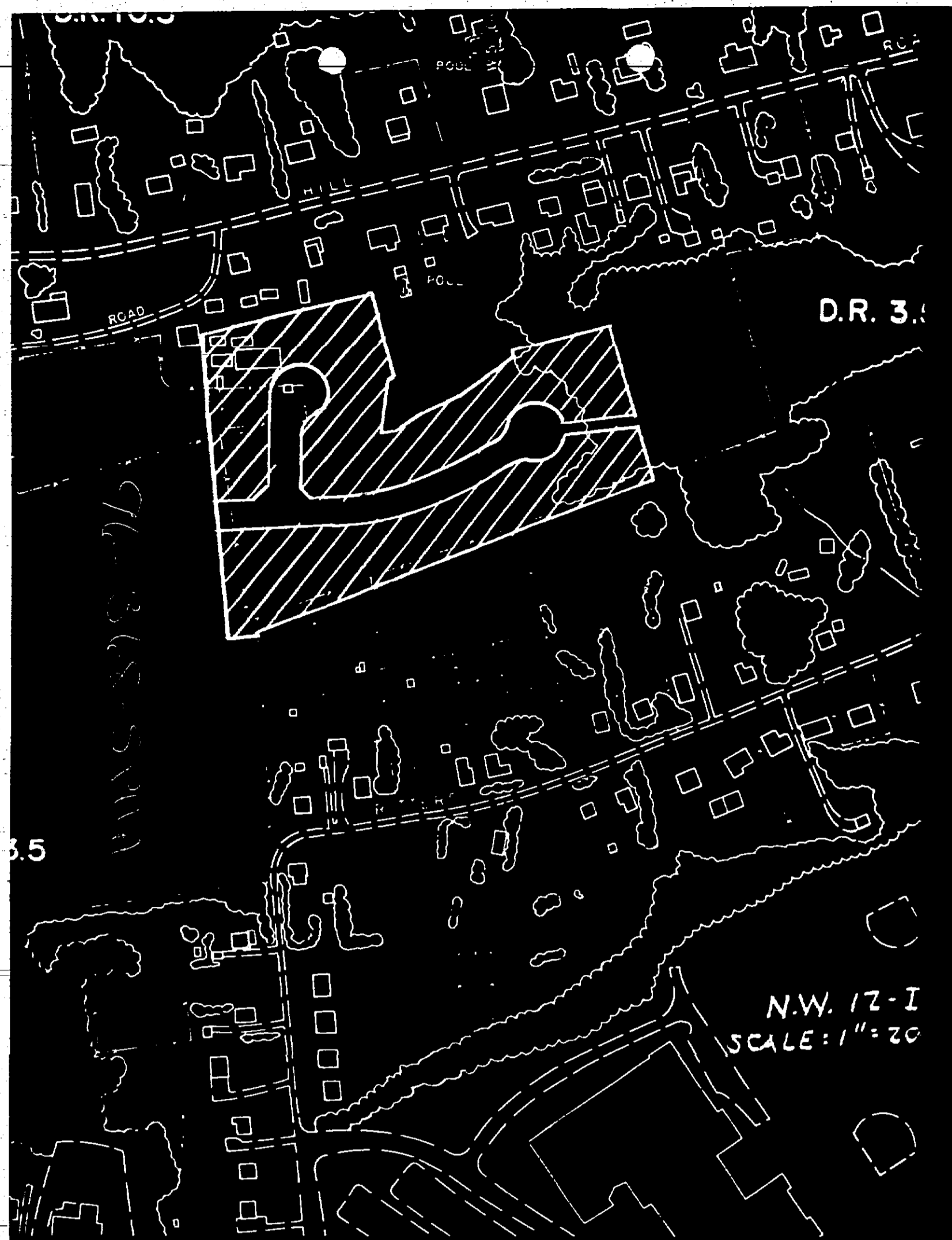
Peter Max Zimmerman
PETER MAX ZIMMERMAN

2 thru 10 Nearock Ct
130 thru 145, 147 & 148
Disney Ct 363

Request concurrence hearing schedule
for item # 363 & 364. / owner.
Reason (Two separate property &
one owner)

3-26

needs \$ 1000 for Two signs (SPH) paid
3/27/96



Owings Meadows Homeowners Association
P. O. Box 242
Owings Mills, Maryland
21117

February 28, 1996

Zoning Commissioner of Baltimore County
Baltimore County Courthouse
400 Washington Avenue
Towson, Maryland
21204

re: Hewitt Farms Associates
Variance and Special Hearing Request
Case No.

Dear Mr. Commissioner:

Owings Meadows Homeowners Association consists of all the property owners in the Hewitt Farms subdivision. The lot owners in the Pleasant Fields subdivision will also become members of the Owings Meadows Homeowners Association once those houses are built and occupied.

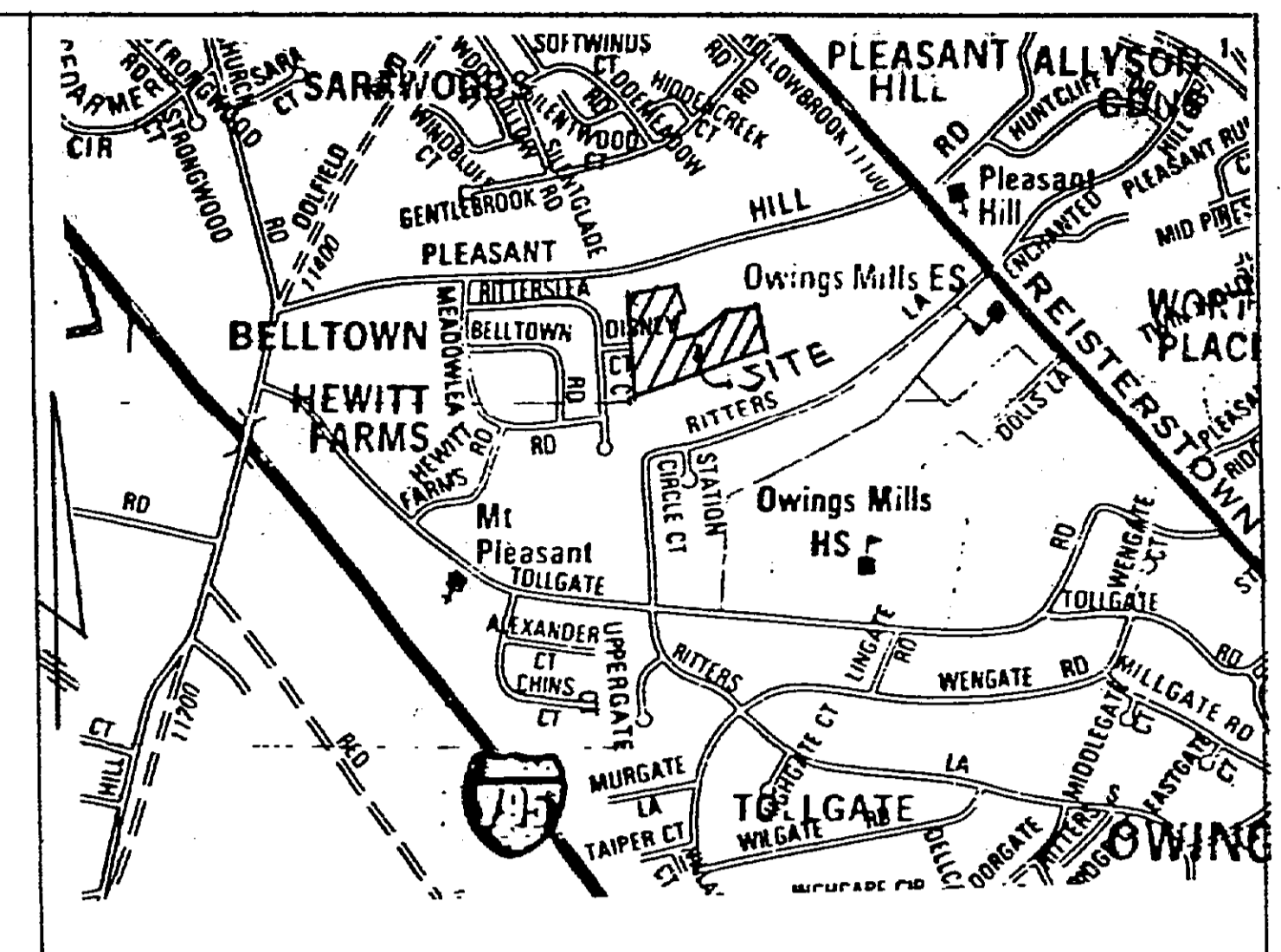
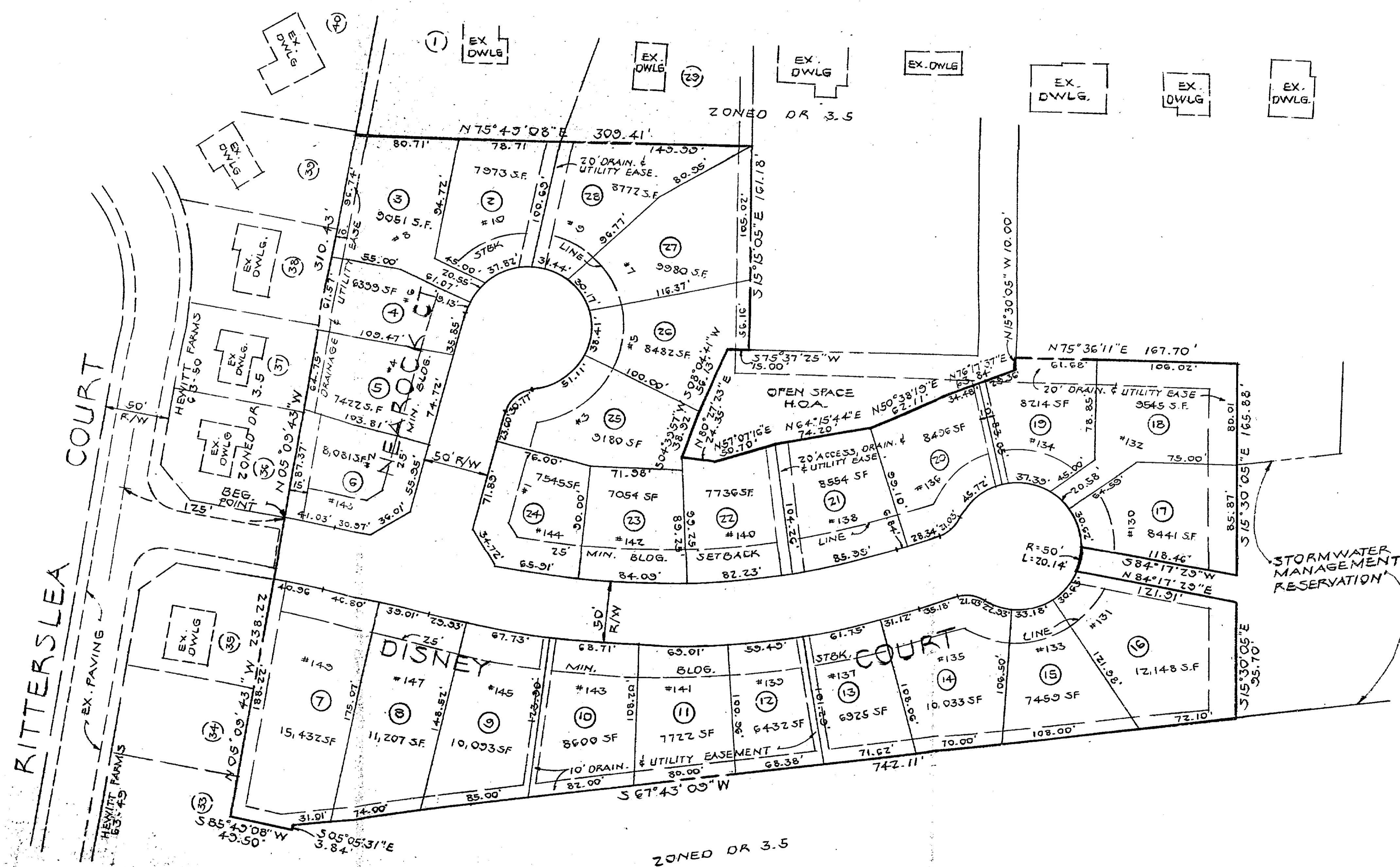
Our Association has met with the petitioner to review the request for variances to reduce the distances required between windows and property lines, between facing windows and the dwelling to dwelling separation relative to the height of the dwelling.

We believe that the granting of the petitioner's requests by your office should make the lots more desirable to new residents and therefore more desirable to the builders, thereby allowing the completion of the project and an end to the construction which has been ongoing since 1991. Completion of the subdivision should assist in maintaining our property values.

Based on the above, the Owings Meadows Homeowners Association supports the petitioner's request for variance.

Very truly yours,

Owings Meadows Homeowners Association



UHAS-89C-26

- NOTES:
1. ZONING OR 3.5
 2. AREA: 5.440 AC.
 3. PUBLIC WATER & SEWER
 4. NO CRITICAL AREAS
 5. PREVIOUS HEARINGS
- CASE 21-432-A TO PERMIT 15' WINDOW TO TRACT BOUNDARY

PETITIONER'S
EXHIBIT 1

PLAN TO ACCOMPANY APPLICATION
FOR VARIANCES & SPECIAL HEARING
LOTS 2 THRU 28
PLEASANT FIELDS P.B. 63-125
ELECTION DISTRICT 4,C-3
BALTO. CO., MD.
SCALE 1" = 50'
FEBRUARY 15, 1996

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD. 21040
(410) 678-8713

ITEM 363